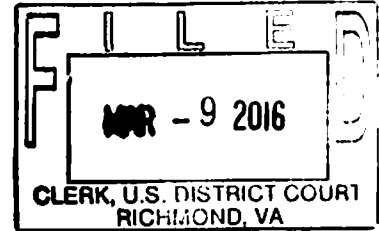


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA,)
)
v.)
)
GEORGE R. SHIPMAN, III,)
)
Petitioner.)

Civil Action No. 3:08CR359-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

On February 26, 2016, George R. Shipman, III, filed a Motion to Withdraw his § 2255 Motion (ECF No. 63). The Government previously had filed its Response to the § 2255 Motion. Therefore, Shipman requires leave of Court to dismiss his action. *See* Fed. R. Civ. P. 41(a). "A [party's] motion under Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to the defendant." *Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986) (citing *Kenrose Mfg. Co. v. Fred Whitaker Co.*, 512 F.2d 890, 895 (4th Cir. 1972)). The Government fails to suggest that it will suffer substantial prejudice if Shipman's Motion to Withdraw is granted. Accordingly, Shipman's Motion to Withdraw (ECF No. 63) will be granted. The action will be dismissed without prejudice.

An appropriate Memorandum Opinion will issue.

Date: March 9, 2016
Richmond, Virginia

HEH /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE